OCA consumer register

A supplement to Consumer News

Vol. 8, No. 3, Feb. 1, 1978

Register results

The following actions have been taken by Federal agencies. They have previously been summarized in CONSUMER REGISTER as proposals. Extent of consumer and other comment is reported when such information is available.

• **Civil Aeronautics Board** (CAB) has reduced from 40 to 20 the minimum Advance Booking Charter, One-Stop-Inclusive Tour Charter and Inclusive Tour Charter group size required for split charters. Original proposal was in response to a petition filed by 2 tour operators who said CAB's requirements lead to empty seats and cancellations of entire flights. Effective date was Dec. 15, 1977. Details—*Federal Register:* Dec. 30, 1977, page 65486; July 27, 1977, page 38186. RATE REGISTER: Aug. 15, 1977. For more information write or call Robert Kneisley, Civil Aeronautics Board, Washington, DC 20428; telephone 202-673-5442.

• **Food and Drug Administration** (FDA) has issued a final rule which will require that all blood intended for transfusion be labeled with the words "Paid Donor" or "Volunteer Donor." Purpose of the new rule is to reduce the risk of hepatitis associated with blood from some paid donors. FDA believes the labeling requirement will increase the demand for blood from volunteer donors. May 15 is the effective date. FDA received 165 letters, containing varying numbers of comments. Details—*Federal Register:* Jan. 13, page 2142; Feb. 25, 1977, page 11018. CONSUMER REGISTER: March 15, 1977. For more information call or write Joe Holloway or Al Rothschild, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014; telephone 301–443–4626.

Alcohol warning labels

March 17 is deadline for comments on **Bureau of Alcohol, Tobacco and Firearms'** (ATF) advance notice of proposed rulemaking on the advisability of telling pregnant women—by way of warning labels on liquor bottles—that drinking alcoholic beverages during pregnancy might hurt their unborn children. Last year **Food and Drug Administration** (FDA) urged ATF to take whatever steps are necessary to warn pregnant women of the dangers of excessive drinking.

Medical researchers have observed fetal alcohol syndrome (FAS) when pregnant women drink significant amounts of alcohol during their pregnancy. FAS is a condition that results from a high blood alcohol level during a critical period of embryonic development. When this condition is present, the babies may be abnormally small, have abnormally small heads, not enough space between the margins of the eyelids, and may be mentally retarded. Other problems, such as deficient motor functions and impaired neurological developments, have also been identified. Because damage to the fetus can occur even before a woman knows she is pregnant, all women of childbearing age should be aware of the possibility of FAS in potential offspring.

According to the research, it is the *high blood alcohol level* that probably produces FAS rather than moderate alcohol consumption. Examples are "binge drinking" or one-time heavy drinking during critical periods. Results of animal and human studies show that consumption of 3 ounces of 100% alcohol or more at one time (an equivalent of 6 drinks) "produces a risk to fetal outcome." As far as consuming lower quantities of alcohol, the **National Institute on Alcohol Abuse and Alcoholism** said additional tests are necessary.

Because ATF needs much more information before taking any action, it would like to receive comments from consumers, industry, women's organizations and medical experts concerning all aspects of the proposal. The agency is particularly interested in having the following questions commented on:

• What type of specific warning label, if any, should be placed on containers of alcoholic beverages?

• What would be the impact on consumers, primarily women, as a result of such a warning?

• In what other ways could the public be warned on possible health hazards associated with drinking alcohol?

• What other medical research is available documenting or refuting the existence of FAS?

Details—*Federal Register:* Jan. 16, page 2186. Send comments to Director, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Attn.: Regulations and Procedures Division. For more information write or call Roberta Kulina at above address; telephone 202–566–7626.

Hearing—net weight labeling

Because of the widespread interest in **Agriculture Dept.'s** proposed net weight labeling regulations for meat and poultry products, a public hearing will be held Feb. 9 at 10 a.m. in Room 218-A, Administration Bldg., Agriculture Dept., Washington, DC. Any interested person may appear and be heard either in person or by a representative, but individual presentations should be scheduled in advance. To make a reservation to speak at the hearing call Dr. W. J. Minor—as soon as possible—at 202–447–6189.

March 2 continues to be the deadline for commenting on Agriculture's proposal. See CONSUMER REGISTER: Dec. 15, 1977 for a summary of the proposal.

Details—*Federal Register:* Jan. 20, page 2881; Dec. 2, 1977, page 61279.

Subscription TV

March 13 is deadline for comments on **Federal Communications Commission's** (FCC) proposal to amend its subscription television (STV) rules. STV is a system by which scrambled signals are transmitted over the air and may be received only through a decoder attached to a TV set whose owner pays a fee for the service.

Although only a couple STVs are in operation at this time, FCC's inquiry and proposed rule changes are intended to further the development of STV as a benefit to the public.

FCC is proposing to amend its existing rules that limit STV service to only one station per community and in addition would like to receive information on the following issues:

• Whether to continue to allow STV systems with different technical characteristics—or whether to change the rules requiring the systems to be compatible.

• Whether subscribers should now be able to buy their own decoders—or whether the present system of leasing such equipment should be continued.

• What procedures should be established for cases involving competing applications—one or more of which is for conventional TV use (the kind everybody watches without paying a fee) and one or more for STV use.

• What procedures should be established for choosing between competing STV applicants.

Details—*Federal Register:* Jan. 10, page 1516. Send comments to Federal Communications Commission, Washington, DC 20554. For more information call or write Freda Thyden at above address; telephone 202–632–7792.

Chlorofluorocarbons

Although **Food and Drug Administration, Environmental Protection Agency** and **Consumer Product Safety Commission** are phasing out nonessential uses of chlorofluorocarbons that are used as propellants in a wide range of aerosol products under their jurisdiction, they will hold another public participation meeting to discuss the possibility of regulating nonpropellant uses of chlorofluorocarbons as well. (**National Academy of Sciences** says that chlorofluorocarbons have an adverse effect on the earth's ozone layer.)

Nonpropellant chlorofluorocarbons are used in refrigeration, foam-blowing, solvent, whipped topping stabilizer, local anesthetic and fire-extinguishing.

The meeting will be held Feb. 21 through 24 at 10 a.m. in the Humphrey Auditorium, Humphrey Bldg., 200 Independence Ave., SW, Washington, DC. To speak, call—by Feb. 7—Joni Respasch; telephone 202–755–1188.

Details—*Federal Register:* Jan. 13, pages 1981, 1986 and 1989.

Oral contraceptives and smoking

Food and Drug Administration (FDA) is again expanding its patient labeling regulations for oral contraceptives (the pill) to include a warning that women who take the pill should not smoke.

Although there has been mandatory patient labeling for the pill since 1970, FDA last year revised the requirements because consumer groups and others said the brochures and leaflets accompanying the contraceptives did not disclose enough information about the pill's side effects, benefits and risks [CONSUMER REGISTER: Dec. 15, 1976].

The latest revision, which becomes effective April 3, is the result of new information on the risks of taking the pill. This information showed that women who smoke while taking birth control pills run an increased risk of heart attack and other circulatory problems such as strokes.

Highlights of the revised labeling regulation are:

- The following boxed warning must be included in the leaflets that are given to women at the time they have their prescriptions filled: "Cigarette smoking increases the risk of serious adverse effects on the heart and blood vessels from oral contraceptive use. This risk increases with age and with heavy smoking (15 or more cigarettes per day) and is quite marked in women over 35 years of age. Women who use oral contraceptives should not smoke." (FDA estimates that from 30% to 40% of the 8 to 10 million women who take the pill also smoke.)
- In addition to the smokers, other women who should not take the pill are those who have had blood clotting disorders, cancer of the breast or sex organs, unexplained vaginal bleeding, a stroke, heart attack or angina pectoris. Also, women who have scanty or irregular menstrual periods should not smoke.
- The labeling information compares risks and effectiveness among various methods of birth control. This information shows that (1) no method of birth control is perfect; (2) the higher the effectiveness, the greater the risks; and (3) modern birth control methods, including the pill, still involve less risk for most women than childbirth. The one exception is the woman who is nearing or over 40 and who both smokes and uses the pill.

Details—*Federal Register:* Jan. 31; May 27, 1977; Dec. 7, 1976. CONSUMER REGISTER: Dec. 15, 1976; Nov. 15, 1975. For more information write or call Philip Paquin, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; telephone 301–443–5220.

School milk program

Beginning today, **Agriculture Dept.** is reducing the amount of free milk eligible children may receive under various Federal programs that participate in the Special Milk Program to one half pint of milk with each meal—instead of 2 half pints that some schools automatically put on the children's lunch trays. However, the second half pint of milk may be served at other periods during the day (but not at meal time). If those children want an extra half pint of milk with their meals they may buy it at low prices (an average of 5¢ a carton). In addition, children who bring bag lunches from home will be eligible for one half pint of milk at lunch time.

Agriculture amended its regulations to carry out provisions of Public Law 95-166 (amendments to the National School Lunch Act and the Child Nutrition Act of 1966) in which Congress expressed concern that some free milk has been wasted. As a result, Congress is in the process of decreasing the appropriation for this program by approximately $30 million per year.

Details—*Federal Register:* Jan. 6, page 1059. For more information write or call Merle Hagerty, Food and Nutrition Service, Agriculture Dept., Washington, DC 20250; telephone 202–447–8147.

Nondiscrimination—handicapped persons

Executive Order 11914 directs **Health, Education and Welfare Dept.** (HEW) to coordinate governmentwide enforcement of a law (Section 504 of the Rehabilitation Act of 1973) that prohibits discrimination against handicapped persons in Federally assisted programs.

HEW has now issued a final rule describing enforcement procedures, standards for determining which persons are handicapped, and guidelines for determining what practices discriminate against the handicapped. Each Federal agency that provides financial assistance to any program or activity is required to follow these procedures. HEW says about 30 Federal agencies are involved, and each one is required to issue proposed implementing rules within 90 days.

It should be noted that HEW has already issued such regulations for programs under its jurisdiction [CONSUMER REGISTER: May 15, 1977].

Details—*Federal Register:* Jan. 13, page 2132. For more information write or call Anne Beckman, Office for Civil Rights, Health, Education and Welfare Dept., Washington, DC 20201; telephone 202–245–6118.

Runaways

Health, Education and Welfare Dept.'s (HEW) **Office of Human Development Services** is revising its regulations that provide emergency help for runaway youth and their families. For more information on HEW's proposals for carrying out provisions of the Runaway Youth Act, see "details" listed below.

Details—*Federal Register:* Jan. 9, page 1363; Dec. 13, 1976, page 54296; April 22, 1975, page 17823. CONSUMER REGISTER: Jan. 1, 1977 and May 1, 1975. For more information call or write Patricia Jefferson, Room 3260-N Health, Education and Welfare Dept., Washington, DC 20201; telephone 202–245–2862.

This listing, prepared by Marion Q. Ciaccio, is intended only as summary coverage of selected *Federal Register* items deemed of particular interest to consumers, and it does not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. *Federal Register* is published Monday through Friday (except Federal Government holidays) by **Office of the Federal Register, National Archives and Records Service, General Services Administration.** Subscription is $5 a month or $50 a year and may be ordered from **Superintendent of Documents, Government Printing Office,** Washington, DC 20402. Superintendent also sells copies of *Federal Register* for 75¢ each. Copies of *Federal Register* may be available in depository libraries.

consumer comment

Federal agencies want to learn your views on proposals and other items published in the *Federal Register* and CONSUMER REGISTER. Agencies use these comments in their decision making.

These forms are provided for you to use, if you wish, in commenting on these items. For more lengthy comments, feel free to use a plain sheet of paper. Send comment forms to addresses listed in CONSUMER REGISTER summaries. CONSUMER NEWS is publishing these forms in cooperation with the **Food and Drug Administration** (FDA).

Name ______________________ Date __________

Street ______________________

City ______________ State __________ ZIP __________

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) ______________________

by (name of agency) ______________________

published in *Federal Register* on (date) ______________ on (page) __________

____

______________________ *(over)*

Name ______________________ Date __________

Street ______________________

City ______________ State __________ ZIP __________

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) ______________________

by (name of agency) ______________________

published in *Federal Register* on (date) ______________ on (page) __________

____

______________________ *(over)*

Name ______________________ Date __________

Street ______________________

City ______________ State __________ ZIP __________

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) ______________________

by (name of agency) ______________________

published in *Federal Register* on (date) ______________ on (page) __________

____

______________________ *(over)*

consumer comment

CONSUMER REGISTER publishes proposed and final rules, regulations and notices of interest to consumers originally appearing in the *Federal Register*. Notices on proposed rules published in the *Federal Register* and summarized in CONSUMER REGISTER give consumers the opportunity to participate in rule making prior to the adoption of final rules. The *Federal Register* is published to provide a uniform system for making available to the public regulations and legal notices issued by Federal agencies.